

**Respondent:**

Air-Ag, Inc.  
P.O. Box 11  
Laurel, DE 19956

**Violations:**

§ 1224 (a)(1) making a pesticide recommendation or use or application inconsistent with the labeling

§ 1224 (c)(1) Operating in a faulty, careless, or negligent manner

**Penalty:**

The Respondent signed a consent agreement dated December 19, 2012 with disciplinary sanctions that imposed a civil penalty of \$1,200.00 for violating 1224(a)(1) and a Notice of Warning for violating 1224(c)(1).

**Summary:**

On August 28, 2012, the Department received a telephone call from a complainant, an organic farmer who stated the following: On August 24 2012 at 4p.m., she and her husband were sprayed by an airplane flying a field next to their chicken yard.

On August 29, 2012, a Delaware Department of Agriculture (DDA) Pesticide Inspector contacted Respondent. Respondent stated the following: the airplane sprayed a soybean field for a local grower. The soybean field was sprayed with Sniper Insecticide, for corn ear worm infestation.

On August 29, a DDA Inspector conducted an inspection with the complainant. Four samples were collected at the organic farm. The samples included clothing both individuals were wearing, vegetation and pin feathers from the chickens. All four samples were delivered to the Department's Pesticide Laboratory for testing. The samples were analyzed and three of the samples were found to contain bifenthrin, the active ingredient in Sniper Insecticide.

Respondent was cited for violating 1224(a)(1) and (c)(1) by allowing the pesticide to drift off target.